

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Conf. No.: 3857
DENNIS HECHEL)	
)	Filed: April 2, 1999
Serial No.: 09/285,559)	
)	
For: THERMAL FILM ULTRASONIC)	
DOSE INDICATOR)	
)	
Art Unit: 3737)	
)	
Primary)	
Examiner: Tran, D.)	
)	

**RENEWED PETITION TO ACCEPT UNINTENTIONALLY
DELAYED PAYMENT OF MAINTENANCE FEE PURSUANT TO 37 CFR 1.376(c)**

Commissioner for Patents
 Mail Stop Petitions
 P.O. Box 1450
 Alexandria, VA 22313-0001

I. Factual Predicate

On midnight of September 24, 2010, U.S. Patent 6,454,730 expired because the seven and one-half year maintenance fee was not submitted to the United States Patent and Trademark Office ("USPTO"). On November 18, 2010, Petitioner submitted a petition under 37 C.F.R. §1.378(c) to accept the delayed payment of the maintenance fee on this patent. A copy of this Petition is attached as Exhibit A. In this November 18, 2010 Petition, Petitioner submitted a statement that the delay was unintentional, as well as a payment of \$810. Petitioner also pre-authorized other payments from a USPTO deposit account.

On February 14, 2011, the Office of Petitions dismissed Petitioner's November 18, 2010

Serial No. 09/285,559

petition to accept the delayed maintenance fee on the basis that \$2880 was due in connection with the petition, but only \$810 was submitted with the petition. A copy of the Decision on Petition is attached as Exhibit B. The Office of Petitions indicated that petitioner could ask for reconsideration of its decision within two months or submit a renewed petition with the appropriate fee of \$2470 (comprising a \$400 fee for a renewed petition and \$2070 for the balance of the maintenance fee).

II. Remarks

Petitioner hereby renews its petition to accept an unintentionally delayed payment of a maintenance fee in an expired patent under 37 C.F.R. §1.378(c). Specifically, petitioner asks the USPTO to accept the unintentionally delayed payment of the seven and one-half year maintenance fees for U.S. Patent number 6,454,730 (which bears application serial no. 09/285,559, filed April 2, 1999, and issued as a patent on September 24, 2002). In support of this Renewed Petition, the undersigned certifies that the delay in payment of the seven and one-half year maintenance fee to Patent 6,454,730 was unintentional. This Renewed Petition is submitted within twenty four months after the six-month grace period in 37 C.F.R. § 1.362(e). The undersigned further certifies that Patentee is entitled to Small Entity status.

The Commissioner is hereby authorized to charge all appropriate fees to deposit account 23-0920 to reinstate U.S. Patent 6,454,730, including the amount of \$2,470.00 (comprising \$1,240 for maintenance fees, \$1,640 surcharge fee, and \$400 petition fee, minus the \$810.00 fee Petitioner has paid to date). *See* Exhibit B at p. 2 (stating that “any renewed petition must

include a total payment of \$2470.”)

If the USPTO should conclude that Petitioner’s Renewed Petition (as stated herein) is not sufficient to reinstate U.S. Patent 6,454,730 because a Request for Reconsideration of the USPTO’s February 14, 2011 Decision is instead required, then (and only then), Petitioner would respectfully request that the USPTO treat this filing as a Request to Reconsider its February 14, 2011 decision. In such circumstances, Petitioner would submit that it inadvertently submitted the incorrect total fee with its November 18, 2010 Petition, but did nonetheless authorize the use of its deposit account 23-0920 for all necessary fees. Reconsideration would be sought in such circumstances because Petitioner has now paid all required fees (including the \$2470 referenced in the USPTO’s Decision), and Petitioner hereby expressly authorizes the USPTO to deduct all necessary payments from its USPTO deposit account 23-0920 to reinstate U.S. Patent 6,454,730 (including but not limited to processing fees, petition fees, maintenance fees, surcharges of any nature, and other charges deemed necessary by the USPTO).

III. Conclusion

For the reasons stated herein, Petitioner respectfully requests that the USPTO accept the delay in payment of the seven and one-half year maintenance fee (with all necessary fees) and reinstate Patent 6,454,730.

IV. Certification

The undersigned certifies that the delay in payment of the seven and one-half year maintenance fee for Patent 6,454,730 was unintentional. The undersigned further certifies that

Serial No. 09/285,559

Petitioner is entitled to Small Entity status.

Petitioner expressly authorizes the USPTO to deduct all necessary payments from its USPTO deposit account 23-0920 to reinstate U.S. Patent 6,454,730 (including but not limited to processing fees, petition fees, maintenance fees, surcharges of any nature, and other charges deemed necessary by the USPTO). Should the proper fee not be enclosed herewith, the Commissioner is authorized to charge the proper amount or credit any overpayment to Deposit Account No. 23-0920.

Certification By:



Jon P. Christensen
Registration No. 34,137

Respectfully submitted,

HUSCH BLACKWELL LLP

By: 

Jon P. Christensen
Registration No. 34,137

HUSCH BLACKWELL LLP
120 South Riverside Plaza, Suite 2200
Chicago, Illinois 60606
(312) 655-1500

Dated: February 28, 2011

I hereby certify that this paper(s) is being transmitted via electronic mail to the Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-0001 on February 28, 2011.


Lisa M. Harris

Exhibit A**Acknowledgement Receipt**

The USPTO has received your submission at **16:14:50** Eastern Time on **18-NOV-2010** by Deposit Account: 230920.

\$ **810** fee paid by e-File via *RAM* with Confirmation Number: 2529.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

eFiled Application Information

EFS ID	8868838
Application Number	09285559
Confirmation Number	3857
Title	THERMAL FILM ULTRASONIC DOSE INDICATOR
First Named Inventor	DENNIS HECHEL
Customer Number or Correspondence Address	24628
Filed By	Jon Christensen/Lisa Harris
Attorney Docket Number	3216/75036
Filing Date	02-APR-1999
Receipt Date	18-NOV-2010
Application Type	Utility under 35 USC 111 (a)

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
p75036petitiontoacceptdelayedmainfeepymt.pdf	2	Petition for review by the Office of Petitions.	190574 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-875)	30114 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

If you need help:

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,454,730	2002-09-24	09/285,559	1999-04-02	3216-75036

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input checked="" type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."


I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature

Signature		Date (YYYY-MM-DD)	2010-11-18
Name	Jon P. Christensen	Registration Number	34137

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.



UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit B

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

75036
JPC/JAC

HUSCH BLACKWELL SANDERS, LLP
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

MAILED
FEB 14 2011
OFFICE OF PETITIONS

In re Patent No. 6,454,730
Issue Date: September 24, 2002
Application No. 09/285,559
Filed: April 02, 1999
Attorney Docket No. 3216/75036

Paper No. 18
DECISION ON PETITION



This is a decision on the petition under 37 CFR 1.378(c), filed November 18, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

This patent expired at midnight on September 24, 2010 for failure to pay the seven and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above in that the total amount due for a small entity is \$2880 that includes the maintenance fee amount of \$1240 and a surcharge of \$1640 for unintentional

delay. Petitioner has paid \$810. The Balance of \$2070 is now due towards the maintenance fee and surcharge.

Petitioner should note that any renewed petition must include a total payment of \$2470 to cover the \$400 petition fee for a renewed petition and the balance of \$2070 due towards the maintenance fee and surcharge, as noted above.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Tredelle Jackson at 571-272-2783.

Ramesh Krishnamurthy
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Exhibit
➔

Class inclusion
Dep. in table
10/1/95 table
➔

Relevant
➔ *Relevant table*
➔ *available products*
➔ *revenue breakout*
➔ *TBI*

relevant categories

➔ *revenue breakout for product categories*

